

Supreme Court, U. S.

FILED

JUN 7 1978

MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1977
No. 77-533

JESS H. HISQUIERDO,
Petitioner,
vs.
ANGELA HISQUIERDO

ON WRIT OF CERTIORARI TO THE
SUPREME COURT OF CALIFORNIA

PETITION FOR CERTIORARI FILED OCT. 7, 1977
CERTIORARI GRANTED APRIL 24, 1978

APPENDIX

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1977
No. 77-533

JESS H. HISQUIERDO,
Petitioner,
vs.
ANGELA HISQUIERDO

ON WRIT OF CERTIORARI TO THE
SUPREME COURT OF CALIFORNIA

PETITION FOR CERTIORARI FILED OCT. 7, 1977
CERTIORARI GRANTED APRIL 24, 1978

INDEX TO APPENDIX

| | <u>PAGE</u> |
|---|-------------|
| List of Docket Entries | 1 |
| Petition (Marriage) | 2 |
| Response (Marriage) | 3 |
| Interlocutory Judgment of Dissolution of Marriage | 4 |
| Copy of Decision of the California Supreme Court Appears at Appendix Page A-1 in the Petition for Writ of Certiorari to the Supreme Court of California | |

LIST OF DOCKET ENTRIES

| | <u>PAGE</u> |
|---|-------------|
| Petition (Marriage) filed January 9, 1975 | 2 |
| Response (Marriage) filed March 13, 1975 | 3 |
| Interlocutory Judgment of Dissolution of Marriage Entered October 9, 1975 Book 7065 Page 187 | 4 |

Name, Address and Telephone Number of Attorney(s)

JAMES D. ENDMAN
311 S. Spring St., Suite 1116
Los Angeles, Calif. 90013
(213) 687-747

Space Below for Use of Court Clerk Only

ORIGINAL

JAN 9 1975

Attorney(s) for Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

In re the marriage of

Petitioner: **JESS H. HISQUIERDO**

and

Respondent: **ANGELA HISQUIERDO**

CASE NUMBER

D860954

PETITION (MARRIAGE)

2.

1. This petition is for:

☐ Legal separation of the parties pursuant to:

☐ Civil Code Section 4506(1)

☐ Civil Code Section 4506(2)

☒ Dissolution of the marriage pursuant to:

☒ Civil Code Section 4506(1)

☐ Civil Code Section 4506(2)

Petitioner

(Petitioner/Respondent

has been a resident of this state for at least six months and of this county for at least

three months immediately preceding the filing of this petition.

☐ Nullity of the marriage pursuant to:

☐ Civil Code Section 4400

☐ Civil Code Section 4401

☐ Civil Code Section 4425()

2. Statistical information:

a. Husband's social security number 554-14-9241 Wife's social security number unk.

b. Date and place of marriage: September, 1953, Las Vegas, Nevada

c. Date of separation: July, 1972 The number of years from date of marriage to date of separation is: 13 years, 10 months, days.

d. There are no children of this marriage including the following minor children:
(Number)

Name

Birthdate

Age

Sex

None

3. Property statement:

- ☐ There is no property subject to disposition by the court in this proceeding.
- ☐ All property otherwise subject to disposition by the court in this proceeding has been disposed of by written agreement of the parties.

☒ The following described property is subject to disposition by the court in this proceeding.

1. Real property: 9526 Polinclana St., Pico Rivera, Calif.
2. Automobile: 1965 Ford Fairlane 500, 11c. no. unk.

4. Petition requests that the following described property be confirmed as petitioner's separate property:

5. Petitioner requests that:

- a. ☐ Custody of children be awarded (Petitioner/Respondent/Other [Specify])
- b. ☐ Support of children be awarded **Respondent**
- c. ☒ Spousal support be awarded (Petitioner/Respondent)
not (not)
- d. ☒ Property rights be determined as provided by law **Respondent**
- e. ☒ Attorney's fees and costs be awarded (Petitioner/Respondent)
not

and that the court inquire into the status of the marriage and render such judgments and make such injunctive or other orders as are appropriate.

Petitioner declares under penalty of perjury that the foregoing including any attachments is true and correct and that this declaration was executed on at **Los Angeles**, California.

(Signature)

(Attorney for Petitioner)
James D. Endman

(Type/print name)
Jesse H. Hiasquiedo

A declaration under penalty of perjury must be executed within California. An affidavit is required if executed outside California.

BENNETT AND ALCARAZ
1545 Wilshire Boulevard
Suite 711
Los Angeles, California 90017
TEL: 484-0540

Attorney(s) for..... **Respondent**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

In re the marriage of

CASE NUMBER

D 860954

Petitioner: **JESS H. HISQUIENDO**

and

Respondent: **ANGELA HISQUIENDO**

RESPONSE (MARRIAGE)

1. This response is for:

☒ Reconciliation of the parties

☐ Legal separation of the parties pursuant to:

☐ Civil Code Section 4506(1)

☐ Civil Code Section 4506(2)

☐ Dissolution of the marriage pursuant to:

☐ Civil Code Section 4506(1)

☐ Civil Code Section 4506(2)

..... has been a resident of this state for at least six months and of this county for at least
 (Petitioner/Respondent)

three months immediately preceding the filing of this petition.

☐ Nullity of the marriage pursuant to:

☐ Civil Code Section 4400

☐ Civil Code Section 4401

☐ Civil Code Section 4425()

2. The statistical information in the petition is **CORRECT**

..... (If incorrect, complete the following)
 (correct/incorrect)

a. Husband's social security number: Wife's social security number:
 b. Date and place of marriage:

c. Date of separation: The number of years from date of marriage to date of
 separation is: years, months, days.

d. There are children of this marriage including the following minor children:

(Number)

Name

Birthdate

Age Sex

3. The property statement in the petition is incorrect. (If incorrect, complete the following)
(correct/incorrect)

☐ There is no property subject to disposition by the court in this proceeding.

☐ All property otherwise subject to disposition by the court in this proceeding has been disposed of by written agreement of the parties.

☒ The following described property is subject to disposition by the court in this proceeding:

- 1) Railroad retirement and pension fund
- 2) Stocks and Bonds
- 3) Cash in bank - savings and checking accounts
- 4) Life insurance policies on life of JESS H. HISS . HCO

4. The statement in the petition of separate property to be confirmed by the court in this proceeding is.....
(correct/incorrect)

Respondent requests that the following described property be confirmed as respondent's separate property:

None.

5. Respondent requests that:

a. ☐ Custody of children be awarded:.....
(Petitioner/Respondent/Other [Specify])

b. ☐ Support of children be awarded

c. ☒ Spousal support..... be awarded respondent
(not) (Petitioner/Respondent)

d. ☒ Property rights be determined as provided by law

e. ☒ Attorney's fees and costs..... be awarded respondent
(not) (Petitioner/Respondent)

and that the court inquire into the status of the marriage and render such judgments and make such injunctive or other orders as are appropriate.

Respondent declares under penalty of perjury that the foregoing, including any attachments, is true and correct and that this declaration was executed on Los Angeles, California.

EDMUND AND ALCAZAR
(Attorney for Respondent)

/s/ ANGELA HISQUIERDO (Signature)
ANGELA HISQUIERDO (Type/print name)

JAMES D. ENDMAN
 311 S. Spring St., Suite 1116
 Los Angeles, Calif. 90013
 (213) 687-0740

Attorney(s) for Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

In re the marriage of

CASE NUMBER

Petitioner: **JESS H. HISQUIERDO**
 and

D 860 954

Respondent: **ANGELA HISQUIERDO**

INTERLOCUTORY JUDGMENT OF
 DISSOLUTION OF MARRIAGE

This proceeding was heard on **July 9, 1975**
 (Date)

before the Honorable **JOHN LESLIE GODDARD**

Department No. **66**

The court acquired jurisdiction of the respondent on **Jan. 15, 1975** by:
 (Date)

☐ Service of process on that date, respondent not having appeared within the time permitted by law.

☒ Service of process on that date and respondent having appeared.

☐ Respondent on that date having appeared.

The court orders that an interlocutory judgment be entered declaring that the parties are entitled to have their marriage dissolved. This interlocutory judgment does not constitute a final dissolution of marriage and the parties are still married and will be, and neither party may remarry, until a final judgment of dissolution is entered.

The court also orders that, unless both parties file their consent to a dismissal of this proceeding, a final judgment of dissolution be entered upon proper application of either party or on the court's own motion after the expiration of at least six months from the date the court acquired jurisdiction of the respondent. The final judgment shall include such other and further relief as may be necessary to a complete disposition of this proceeding, but entry of the final judgment shall not deprive this court of its jurisdiction over any matter expressly reserved to it in this or the final judgment until a final disposition is made of each such matter.

THE COURT FURTHER ORDERS that:

The following items of community property are awarded to Petitioner as his sole and separate property: the family residence located at 9526 Poinciana Street, Pico Rivera, California, and more particularly described as follows: Lot 134 of Tract 17540 as per map recorded in Book 470 Pages 7 and 8 of Maps, in the Office of the County Recorder of Los Angeles County, California, with an equity of \$12,828.00; the furniture and furnishings located in the family residence with a value of \$500.00.

(continued)

INDEX

Re: HISQUIERDO and HISQUIERDO
Case No. D 860 954

(continued)

Respondent is awarded the following items of community property as her sole and separate property: the ISI Growth Mutual Fund, valued at \$100.00; the 1965 Ford Fairlane 500 automobile (license number unknown).

The Court further orders that in order to equalize the distribution of community property, the Petitioner shall pay to Respondent \$6,364.00 payable as follows: \$64.00 payable on September 1, 1975 and the balance of \$6,300 payable amortized at 7% interest \$100.77 per month on the first day of each month beginning October 1, 1975 and to continue for a period of six and one-half years (6½), said sums are declared a judicial lien in favor of the Respondent upon the real property described hereinabove until said sum is paid in full.

The Court finds that there is no community interest in Petitioner's railroad retirement fund, or in Respondent's social security benefits.

The Court further orders that the Petitioner shall pay to Respondent's attorney the sum of \$500 as attorney's fees and \$96.00 court costs, payable at the rate of \$50 per month, beginning with October 1, 1975 and continuing on the first day of each month thereafter until paid in full.

Dated: _____

JOHN LESLIE GODDARD,
Judge Pro Tem of the
Superior Court